

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Braven, Keay, and Flower

CASE:

**ATLAS 9452 US** 

DECLARATION UNDER

SERIAL NO.:

10/562,290

37 C.F.R. § 1.132

FILED ON:

20 June 2006

FOR:

Protease Detection Assay

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

**EXAMINER: MARTIN, Paul C.** 

**ART UNIT: 1657** 

## **DECLARATION UNDER 37 C.F.R. § 1.132**

Sir,

I, Helen Braven, declare as follows:

- 1. I am one of the named inventors on the above-referenced application for patent.
- 2. I, together with Dr. Russell Keay and Dr Stephen Flower, am an inventor of the above-referenced patent application.
- Dr Keay and I are also co-inventors of subject matter disclosed in the published patent application, US 2005/0221315 A1, herein referred to as "Braven et al.".
- 4. The subject matter of Braven et al. was not contributed to by Dr Stephen Flower.

- The subject matter disclosed in Braven et al. was derived from Dr Keay and me and not by another.
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- 6. The Braven et al. reference therefore is not a prior art anticipating reference as
- defined by 35 U.S.C. § 102(e).
- 7. The Braven et al. reference therefore is not prior art as defined by 35 U.S.C. §
  - 103(a).
- 8. I further declare that all statements made herein of my knowledge are true and
- that all statements made on information and belied are believed to be true; and
  - further that these statements were made with knowledge that willful false
  - statements and the like so made are punishable by fine or imprisonment or both,
  - under section 1001 of Title 18 of the United States Code and that such willful
  - false statements may jeopardize the validity of the application or any patent
  - issuing thereon.

Helen Braven, Ph.D.

Dated: May 17 1, 2009